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EXAMINER

DELGADO, MICHAEL A

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 11/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/510,569

Applicant(s)

TADOKORO ET AL.

Examiner

Michael S. A. Delgado

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No.6, 324,644 by Rakavy et al.

In claim 1, Rakavy teaches about a hardware setup method comprising:

accessing a server data processing system, by a client data processing system, via a data processing system network (Col 9, lines 1-5);

requesting over the data processing system network an execution of a hardware setup program by the server data processing system (Col 4, lines 25-35);

receiving, in the client data processing system, one or more dynamic link modules for a hardware setup operation (Col 4, lines 25-35); and

modifying the hardware configuration data on the client data processing system according to instructions generated by the hardware setup program on the server data processing system (Col 4, lines 25-35).

For claim 2, Rakavy teaches about a hardware setup method of Claim 1, wherein:

if the hardware setup operation required by the client data processing system exists on an operating system running on the client data processing system, the hardware setup program performs the hardware setup operation by using a service provided by the operating system (Col 11, lines 30-40).

In claim 3, Rakavy teaches about a hardware setup method of Claim 1, wherein:

the hardware setup operation is performed by changing one or more items of hardware configuration data on the client data processing system (Col 10, lines 1-10).

For claim 4, Rakavy teaches about a hardware setup method of Claim 1, wherein:

if the hardware setup operation required by the client data processing system does not exist on an operating system running on a client data processing system, the hardware setup program calls a BIOS program on the client data processing system, and uses the BIOS program to perform the hardware setup operation (Col 10, lines 60-67).

In claim 5, Rakavy teaches about a hardware setup method comprising:

allowing a client data processing system to access a server data processing system via a data processing system network (Col 9, lines 1-5);

receiving a request over the data processing system network for an execution of a hardware setup program by the server data processing system (Col 4, lines 25-35);

executing the hardware setup program on the server data processing system (Col 4, lines 5-15);

sending to the client data processing system one or more dynamic link modules for the hardware setup operation (Col 9, lines 25-35); and

modifying the hardware configuration data on the client data processing system according to instructions generated by the hardware setup program on the server data processing system (Col 9, lines 25-35).

For claim 6, Rakavy teaches about a hardware setup method of Claim 5, wherein:

if the hardware setup operation required by the client data processing system exists on an operating system running on a client data processing system, the hardware setup program performs the hardware setup operation by using a service provided by the operating system (Col 11, lines 30-40).

In claim 7, Rakavy teaches about a hardware setup method of Claim 5, wherein:

the hardware setup operation is performed by changing one or more items of hardware configuration data on the client data processing system (Col 10, lines 1-10).

For claim 8, Rakavy teaches about a hardware setup method of Claim 5, wherein:

if the hardware setup operation required by the client data processing system does not exist on an operating system running on a client data processing system, the hardware setup

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program calls a BIOS program on the client data processing system, and uses the BIOS program to perform the hardware setup operation (Col 10, lines 60-67).

In claim 9, Rakavy teaches about a hardware setup method comprising:

accessing a server data processing system, by a client data processing system, via a data processing system network (Col 9, lines 1-5);

requesting over the data processing system network an execution of a hardware setup program by the server data processing system (Col 4, lines 25-35);

receiving, in the client data processing system, one or more library files containing libraries used in executing the hardware setup program and/or one or more device driver files containing device drivers used in executing the hardware setup program (Col 4, lines 25-35); and

modifying the hardware configuration data on the client data processing system according to instructions generated by the hardware setup program on the server data processing system (Col 4, lines 25-35).

For claim 10, Rakavy teaches about a hardware setup method of Claim 9, wherein:

if the hardware setup operation required by the client data processing system exists on an operating system running on a client data processing system, the hardware setup program performs the hardware setup operation by using a service provided by the operating system (Col 11, lines 30-40).

In claim 11, Rakavy teaches about a hardware setup method of Claim 9, wherein:

the hardware setup operation is performed by changing one or more items of hardware configuration data on the client data processing system (Col 10, lines 1-10).

For claim 12, Rakavy teaches about a hardware setup method of Claim 9, wherein:

if the hardware setup operation required by the client data processing system does not exist on an operating system running on a client data processing system, the hardware setup program calls a BIOS program on the client data processing system, and uses the BIOS program to perform the hardware setup operation (Col 10, lines 60-67).

In claim 13, Rakavy teaches about a hardware setup method comprising:  
allowing a client data processing system to access a server data processing system via a data processing system network (Col 9, lines 1-5);

receiving a request over the data processing system network for an execution of a hardware setup program by the server data processing system (Col 4, lines 25-35);

executing the hardware setup program on the server data processing system (Col 4, lines 5-15);

sending to the client data processing system one or more library files containing libraries used in executing the hardware setup program, one or more device driver files containing device drivers used in executing the hardware setup program (Col 4, lines 25-35); and

modifying the hardware configuration data on the client data processing system according to instructions generated by the hardware setup program on the server data processing system (Col 4, lines 25-35).

For claim 14, Rakavy teaches about a hardware setup method of Claim 13, wherein:  
if the hardware setup operation required by the client data processing system exists on an operating system running on a client data processing system, the hardware setup program performs the hardware setup operation by using a service provided by the operating system (Col 11, lines 30-40).

In claim 15, Rakavy teaches about a hardware setup method of Claim 13, wherein:  
the hardware setup operation is performed by changing one or more items of hardware configuration data on the client data processing system (Col 10, lines 1-10).

For claim 16, Rakavy teaches about a hardware setup method of Claim 13, wherein:  
if the hardware setup operation required by the client data processing system does not exist on an operating system running on a client data processing system, the hardware setup program calls a BIOS program on the client data processing system, and uses the BIOS program to perform the hardware setup operation (Col 10, lines 60-67).

In claim 17, Rakavy teaches about a data processing system program product for hardware setup, comprising:

instructions for accessing a server data processing system, by a client data processing system, via a data processing system network (Col 9, lines 1-5);

instructions for requesting over the data processing system network an execution of a hardware setup program by the server data processing system (Col 4, lines 25-35);

instructions for receiving, in the client data processing system, one or more dynamic link modules for a hardware setup operation (Col 4, lines 25-35); and

instructions for modifying the hardware configuration data on the client data processing system according to instructions generated by the hardware setup program on the server data processing system (Col 9, lines 25-35).

For claim 18, Rakavy teaches about a data processing system program product of Claim 17, wherein:



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if the hardware setup operation required by the client data processing system exists on an operating system running on the client data processing system, the hardware setup program performs the hardware setup operation by using a service provided by the operating system (Col 11, lines 30-40).

In claim 19, Rakavy teaches about a data processing system program product of Claim 17, wherein:

the hardware setup operation is performed by changing one or more items of hardware configuration data on the client data processing system (Col 10, lines 1-10).

For claim 20, Rakavy teaches about a data processing system program product of Claim 17, wherein:

if the hardware setup operation required by the client data processing system does not exist on an operating system running on a client data processing system, the hardware setup program calls a BIOS program on the client data processing system, and uses the BIOS 8 program to perform the hardware setup operation (Col 10, lines 60-67).

In claim 21, Rakavy teaches about a data processing system program product for hardware setup, comprising:

instructions for allowing a client data processing system to access a server data processing system via a data processing system network (Col 9, lines 1-5);

instructions for receiving a request over the data processing system network for an execution of a hardware setup program by the server data processing system (Col 4, lines 25-35);

instructions for executing the hardware setup program on the server data processing system (Col 4, lines 25-35);

instructions for sending to the client data processing system one or more dynamic link modules for the hardware setup operation (Col 4, lines 25-35); and

instructions for modifying the hardware configuration data on the client data processing system according to instructions generated by the hardware setup program on the server data processing system (Col 4, lines 25-35).

For claim 22, Rakavy teaches about a data processing system program product of Claim 21, wherein:

if the hardware setup operation required by the client data processing system exists on an operating system running on a client data processing system, the hardware setup program performs the hardware setup operation by using a service provided by the operating system (Col 11, lines 30-40).

In claim 23, Rakavy teaches about a data processing system program product of Claim 21, wherein:

the hardware setup operation is performed by changing one or more items of hardware configuration data on the client data processing system (Col 10, lines 1-10).

For claim 24, Rakavy teaches about a data processing system program product of Claim 21, wherein:

if the hardware setup operation required by the client data processing system does not exist on an operating system running on a client data processing system, the hardware setup program calls a BIOS program on the client data processing system, and uses the BIOS program to perform the hardware setup operation (Col 10, lines 60-67).

In claim 25, Rakavy teaches about a hardware setup system comprising:

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means for accessing a server data processing system, by a client data processing system, via a data processing system network (Col 9, lines 1-5);

means for requesting over the data processing system network an execution of a hardware setup program by the server data processing system (Col 4, lines 25-35);

means for receiving, in the client data processing system, one or more dynamic link modules for a hardware setup operation (Col 4, lines 25-35); and

means for modifying the hardware configuration data on the client data processing system according to instructions generated by the hardware setup program on the server data processing system (Col 4, lines 25-35).

For claim 26, Rakavy teaches about a hardware setup system of Claim 25, wherein:

if the hardware setup operation required by the client data processing system exists on an operating system running on the client data processing system, the hardware setup program performs the hardware setup operation by using a service provided by the operating system (Col 11, lines 30-40).

In claim 27, Rakavy teaches about a hardware setup system of Claim 25, wherein:

the hardware setup operation is performed by changing one or more items of hardware configuration data on the client data processing system (Col 10, lines 1-10).

For claim 28, Rakavy teaches about a hardware setup system of Claim 25, wherein:

if the hardware setup operation required by the client data processing system does not exist on an operating system running on a client data processing system, the hardware setup program calls a BIOS program on the client data processing system, and uses the BIOS program to perform the hardware setup operation (Col 10, lines 60-67).

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In claim 29, Rakavy teaches about a hardware setup system comprising:

means for accessing a server data processing system, by a client data processing system, via a data processing system network (Col 9, lines 1-5);

means for receiving a request over the data processing system network for an execution of a hardware setup program by the server data processing system (Col 4, lines 5-15);

means for fulfilling the request over the data processing system network for the execution of the hardware setup program by the server data processing system (Col 4, lines 25-35);

means for sending to the client data processing system one or more dynamic link modules for the hardware setup operation (Col 4, lines 25-35); and

means for modifying the hardware configuration data on the client data processing system according to instructions generated by the hardware setup program on the server data processing system (Col 4, lines 25-35).

For claim 30, Rakavy teaches about a hardware setup system of Claim 29, wherein: if the hardware setup operation required by the client data processing system exists on an operating system running on a client data processing system, the hardware setup program performs the hardware setup operation by using a service provided by the operating system (Col 11, lines 30-40).

In claim 31, Rakavy teaches about a hardware setup system of Claim 29, wherein: the hardware setup operation is performed by changing one or more items of hardware configuration data on the client data processing system (Col 10, lines 1-10).

For claim 32, Rakavy teaches about a hardware setup system of Claim 29, wherein:

if the hardware setup operation required by the client data processing system does not exist on an operating system running on a client data processing system, the hardware setup program calls a BIOS program on the client data processing system, and uses the BIOS program to perform the hardware setup operation (Col 10, lines 60-67).

In claim 33, Rakavy teaches about a data processing system, comprising:

a CPU, a main memory, an external storage device, and a network connection device, wherein the external storage device is a recording medium containing a data processing system program product; the data processing system program product having instructions for (Fig 2):

accessing a server data processing system, by a client data processing system, via a data processing system network (Col 9, lines 1-5);

requesting over the data processing system network an execution of a hardware setup program by the server data processing system (Col 4, lines 25-35);

receiving, in the client data processing system, one or more dynamic link modules for a hardware setup operation (Col 4, lines 25-35); and

modifying the hardware configuration data on the client data processing system according to instructions generated by the hardware setup program on the server data processing system (Col 4, lines 25-35).

For claim 34, Rakavy teaches about a data processing system of Claim 33, further comprising a reader for reading in the recorded contents of the recording medium (Fig 2,150).

In claim 35, Rakavy teaches about a data processing system according to Claim 33, wherein said reader is a portable recording medium reader (Fig 2, 150).

For claim 36, Rakavy teaches about a data processing system according to Claim 33,

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wherein said reader is a network connection device (Fig 2, 170)..

In claim 37, Rakavy teaches about a data processing system, comprising:

a CPU, a main memory, an external storage device, and a network connection device, wherein the external storage device is a recording medium containing a data processing system program product; the data processing system program product having instructions for (Fig 2):

allowing a client data processing system to access a server data processing system via a data processing system network (Col 9, lines 1-5);

receiving a request over the data processing system network for an execution of a hardware setup program by the server data processing system (Col 4, lines 25-35);

executing the hardware setup program on the server data processing system (Col 4, lines 5-15);

sending to the client data processing system one or more dynamic link modules for the hardware setup operation (Col 4, lines 25-35); and

modifying the hardware configuration data on the client data processing system according to instructions generated by the hardware setup program on the server data processing system (Col 4, lines 25-35).

For claim 38, Rakavy teaches about a data processing system of Claim 37, further comprising a reader for reading in the recorded contents of the recording medium (Fig 2, 150).

In claim 39, Rakavy teaches about a data processing system according to Claim 37, wherein said reader is a portable recording medium reader (Fig 2, 150).

For claim 40, Rakavy teaches about a data processing system according to Claim 37, wherein said reader is a network connection device (Fig 2, 170).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


US Patent No 5,974,547 by Klimenko teaches about a technique for reliable network booting of an operating system to a client computer.

US Patent No 5,913,058 by Bonola teaches about a system and method for using a real mode bios interface to read physical disk sectors after the operating system has loaded and before the operating system device drivers have loaded

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is 703-305-8057. The examiner can normally be reached on 8 AM - 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

  
MD  
November 19, 2002

  
**DAVID WILEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**